

Court of Appeals, State of Michigan

ORDER

People of MI v Kovan Sadiq Mizori

Docket No. 286887

LC No. 07-001093-FC

Patrick M. Meter
Presiding Judge

Peter D. O'Connell

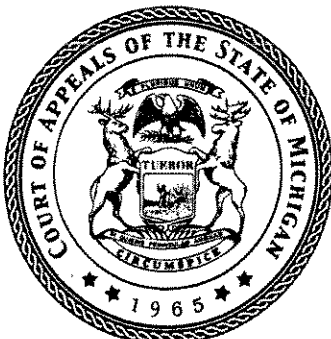
Stephen L. Borrello
Judges

The motion to unseal jury notes contained in the trial court record is DENIED. Sealed trial court materials will remain sealed while in the possession of the Court of Appeals and requests to review such materials will be referred to the trial court. MCR 7.211(C)(9)(a).

On the Court's own motion, this matter is REMANDED to the trial court for its consideration of this matter. Proceedings on remand are limited to the issue raised in defendant's motion to unseal the jury notes. The Clerk's Office of the Court of Appeals shall immediately return the trial court record to Ingham Circuit Court to facilitate the proceedings. Ingham Circuit Court shall transmit the record back to the Court of Appeals immediately upon the conclusion of this matter.

Within 14 days of the certification of this order, appellant shall file his motion to review the jury notes. The trial court shall hear and decide this matter within 35 days of the certification of this order. The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

This Court retains jurisdiction in this matter. Appellant shall provide this Court with a copy of the trial court order and/or opinion within seven days after it has been issued. The parties may file supplemental briefs in this matter as provided by MCR 7.211(C)(1)(d). Appellant's failure to file the motion in the trial court as provided above will result in the remand being immediately concluded and the appeal proceeding to decision.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 06 2009

Date

Sandra Schultz Mengel
Chief Clerk